ATA
AQUA TERRA AERIS
LAW GROUP

November 3, 2014

VIA US MAIL

Collins Timber Company
Terry Collins, President
29100 SW Town Center Loop W
STE 300
Wilsonville, Oregon 97070

Collins Pine Company
Chester Sawmill
Terry Collins, President
500 Main Street
Chester, CA 96020

The Collins Companies
Eric Schooler or Current President
29100 SW Town Center Loop W
STE 300
Wilsonville, Oregon 97070

The Collins Companies
Cherida Collins Smith, Chair of Board
29100 SW Town Center Loop W
STE 300
Wilsonville, Oregon 97070

Collins Pine Company
Chester Sawmill
Chris Verderber, Plant Manager
500 Main Street
Chester, CA 96020

Corporation Service Company (Collins Pine Company)
2710 Gateway Oaks Drive
STE 150N
Sacramento CA, 95833

Collins Pine Company
Chester Sawmill
Terry Collins, President
Chris Verdeber, Plant Manager
PO Box 796
Chester, CA 96020

Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Community Health Watch ("CHW") and Global Community Monitor ("GCM") in regard to violations of the Clean Water Act[1] and California Central Valley Regional Water Quality Control Board Individual National Pollutant Discharge Permit[2] ("Individual NPDES Permit" or "Individual Permit") and California's General Industrial Storm

[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*
[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CA0004391 [Central Valley Regional Water Quality Control Board], as amended by Order No. R5-2009-0015.

GCM is a non-profit public benefit corporation organized under the laws of California, with offices in Richmond, California. GCM's purpose and mission is to protect the global environment through education, community mobilizing, and training and support in the use of environmental monitoring tools to understand the impact of discharged pollutants on their health and the environment. This work focuses on disempowered communities harmed by serious air and water pollution from industrial sources, concerns responsible corporations are ignoring. GCM has a staff of four, an eight member Board of Directors, and works with community members and groups throughout the world. On occasion, GCM directly initiates enforcement actions on behalf of itself and community groups it has educated, trained, and supported in the use of environmental monitoring tools. Over the past few months, GCM has educated, trained, and supported the citizens of Chester, California and CHW in their efforts to monitor and clean up pollution in the Almanor Basin.

CHW and GCM's members' use and enjoyment of the waters of the Lake Almanor, the North Fork Feather River, and their tributaries are adversely impacted by operations at the CPC Facility. Polluted wastewater, storm water, and non-storm water discharges from the CPC Facility to the Stover Ditch, a tributary to Lake Almanor and its tributaries, and to the North Fork Feather River, all considered waters of the United States and drinking water sources (collectively "Receiving Waters"). Discharges of polluted water from the CPC Facility degrade water quality and harm aquatic life in the Receiving Waters. Members of CHW and GCM live, work, and/or recreate in or around the Receiving Waters. For example, CHW and GCM members use and enjoy some or all the Receiving Waters for fishing, boating, swimming, bird watching, picnicking, viewing wildlife, and engaging in spiritual and aesthetic pursuits. The discharges of pollutants from the CPC Facility impairs each of these uses. Further, discharges of polluted water from the CPC Facility are ongoing and continuous. As a result, CHW and GCM's members' use and enjoyment of the Receiving Waters has been and continues to be adversely impacted. Thus, the interests of CHW and GCM's members have been, are being, and will continue to be adversely affected by the failure of the Collins Pine Company and CPC Facility Owners and/or Operators to comply with the Individual Permit, the Storm Water Permit, and the Clean Water Act.

B. The CPC Facility and the Owners and/or Operators of the CPC Facility

Information available to CHW and GCM indicates that the CPC Facility is an approximately 100 acre sawmill and power plant facility. The CPC Facility Owners and/or Operators discharge pollutants to the Stover Ditch and the North Fork Feather River, waters of the United States, from at least two discharge points, though only one discharge point is listed in the CPC Facility Chester Storm Water Pollution Prevention Plan ("SWPPP") dated July 2014. These discharges are regulated by two permits issued by the California Regional Water Quality Control Board, Central Valley District ("Regional Board"). The CPC Facility's Individual NPDES Permit regulates the CPC Facility's point source discharges consisting of treated process wastewater from the CPC Facility. *See* Individual NPDES Permit, pp. 1, 3, 5. The most recent Individual NPDES Permit for the CPC Facility was issued on February 5, 2009 in Order No. R5-2009-0015. On December 23, 2013, CPC Facility Owners and/or Operators submitted an

Individual Permit and the Clean Water Act, these discharges are a significant factor in the degradation of water quality for Lake Almanor, the North Fork Feather River, and their tributaries.

With every significant rainfall event, hundreds of thousands of gallons of polluted storm water originating from industrial operations such as the CPC Facility and surrounding contaminated lands and waters pour into storm drains and the Receiving Waters. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Pollution entering surface waters via air deposition is also recognized as a significant cause of degradation of water quality. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated wastewater discharges must be controlled for Lake Almanor, the North Fork Feather River, and their tributaries to regain and maintain their health.

Discharges of process wastewater from the CPC Facility, and polluted storm water and non-storm water from industrial facilities like the CPC Facility, can carry oil and grease, antifreeze, wood debris, sediment, ash, dust and other particulates, phosphorous, arsenic, sulfate, boron, iron, magnesium, manganese, copper, acrylonitrile, benzene and benzene compounds, chloroform, polychlorinated biphenyl ("PCBs"), toluene, vanadium, lead and lead compounds, nickel compounds, zinc, aluminum, Total Suspended Solids ("TSS"), coolant, chlorine, fuel additives, pH-affecting substances and other pollutants known and unknown. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of process wastewater, storm water and non-storm water to existing or potential drinking water sources, like Lake Almanor, the North Fork Feather River, and their tributaries, pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

Lake Almanor, the North Fork Feather River, their tributaries and adjacent wetlands are ecologically sensitive areas. Although pollution and habitat destruction have diminished the Receiving Water's varied wildlife, these waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Polluted process wastewater, storm water and non-storm water contaminated with sediment, heavy metals and other pollutants harm the special aesthetic and recreational significance that Lake Almanor, the North Fork Feather River, and their tributaries have for people in the surrounding communities. The public's usage of the Receiving Waters for contact sports exposes many people to toxic metals and other contaminants from these polluted discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also damaged by the illegal contaminated discharges.

The State Water Resources Control Board *Water Quality Control Plan, Fourth Edition (Revised October 2011), for the Sacramento and San Joaquin River Basins* ("Basin Plan") establishes Water Quality Objectives for Inland Surface Waters such as Lake Almanor, the North Fork Feather River, and their tributaries. These Water Quality Objectives require that all

B. CPC Facility's Industrial Activities and Pollutant Sources

Information available to CHW and GCM and indicates that the CPC Facility is a 100-acre site consisting of a softwood lumber sawmill, cogeneration plant, electrical substations, two fresh water ponds, an unlined ash settling pond, three additional unlined recycle ponds, gravel pit, drying kilns, vehicle operation, maintenance, and cleaning facilities, tank farm, boiler, smoke stack(s), log decks, ash storage area, office building(s), and other associated buildings and areas necessary to operate a sawmill and cogeneration facility.

Sources of pollutants associated with the industrial activities at the CPC Facility include, but are not limited to: outdoor bulk material storage areas, saw logs, wood fuel, tire piles, petroleum fuel, water treatment chemicals, ash piles, vehicle and equipment maintenance areas, parking areas, shipping and receiving areas, and the on-site material handling equipment such as conveyors, forklifts, and trucks. Wastes generated by the cogeneration plant include, but are not limited to, ash, and polluted process wastewater which includes, condenser cooling water, compressor blowdown, electrostatic precipitator wastewater, boiler blowdown, and mud drum blowdown. Wastes generated by the sawmill operation include wood debris and waste, recycled wastewater associated with wet log storage, hydraulic oil and grease lubricant, and petroleum and other fuel leakage. Other CPC Facility related waste streams include, but are not limited to, oil/water separator discharge, vehicle wash yard runoff, and polluted storm water and non-storm water runoff.

Information available to CHW and GCM also indicates that oil and grease, transmission and vehicle fluids (such as antifreeze and gasoline), metal particles, and other pollutants have been and continue to be tracked throughout the CPC Facility operations area. These pollutants accumulate at the bulk storage areas, the loading and unloading areas, and the parking lot and the driveways areas. As a result of soil amendment applications and normal operations, trucks and vehicles leaving the CPC Facility via staging areas and driveways are pollutant sources tracking sediment, dirt, ash, oil and grease, metal particles, and other pollutants off-site.

C. CPC Facility Pollutants and Discharge Points

Specific pollutants associated with operations at the CPC Facility include, but are not limited to: zinc; copper; lead and lead compounds; arsenic, aluminum; iron; oil and grease; fuel and fuel additives; total suspended solids ("TSS"); coolant; pH-affecting substances; chlorine; phosphorous; sulfate; boron; magnesium; manganese; acrylonitrile, benzene and benzene compounds; chloroform, polychlorinated biphenyl ("PCBs"); toluene; vanadium; nickel compounds; and fugitive and other dust, dirt, and debris. The CPC Facility Owners' and/or Operators' failure to properly address pollutant sources and pollutants results in the exposure of pollutants associated with their industrial activities and results in the discharge of illegally polluted process wastewater, non-storm water and ash. The exposure of pollutants, associated with the CPC Facility's industrial activities, results in the discharge of contaminated process wastewater, ash, non-storm water and storm water from the CPC Facility into Receiving Waters

Discharges Associated with Industrial Activity record inspections where cloudy water with floating sawdust, wood dust, chips and/or ash was observed in collection areas including the ash settling pond and swimming pool.

Information available to CHW and GCM indicates that polluted storm water discharges from various areas of the CPC Facility (herein as "Other Discharge Points"), originating as storm water run-off and drainage that does not contact the log deck, but is supposed to be directed via grading and storm drainage ditches. (*See* SWPPP, Figure 3.) Storm water runoff from the truck shop and from the east side of the tank farm flows northeast into an undeveloped area between the residential area and Stover Ditch, leaving the CPC Facility during significant rainfall events. Water from the vehicle and equipment wash pad at the north end of the truck shop flows through an oil/water separator before entering drainage ditch B. (*See* SWPPP, Figure 3). A second oil/water separator is located on the southeast side of the truck shop and collects drainage from the west and south sides of the truck shop. This separator discharges to drainage ditch A. (*See* SWPPP, Figure 3.) During significant rainfall events, polluted storm water leaves the CPC Facility and eventually discharges from Other Discharge Points into the North Fork Feather River, or the Stover Ditch, a tributary to Lake Almanor.

Runoff from the main facility area flows to the south where it is intersects an eastern flowing drainage to drainage ditch K. (*See* SWPPP, Figure 3.) Of these three general drainage areas, this southeast drainage is the area most frequently experiencing storm water exiting the property and eventually discharging off site. Runoff along the western side of the facility flows southward along the road to the southwest corner of the property, and then flows southward along an access road. Flow from the southwest drainage also has a high probability of leaving the site and flowing towards the waters of the United States. During significant rainfall events, polluted storm water leaves the CPC Facility and eventually discharges from Other Discharge Points into the North Fork Feather River or the Stover Ditch, a tributary to Lake Almanor.

Upon information and belief, CHW and GCM allege that on-site contaminants at the CPC Facility are coming in contact with storm water that discharges to the Stover Ditch, Lake Almanor and the North Fork Feather River. The Feather River is considered a drinking water source and such discharges are not in compliance with the Individual Permit, the Storm Water Permit, and the Clean Water Act. Storm water discharges at the CPC Facility exceed California Toxics Rule criteria and U.S. Environmental Protection Agency storm water benchmarks, as documented in the CPC Facility's self-monitoring reports and analytical reports from sampling performed by the Regional Board. Samples exceed standards set for total suspended solids ("TSS"), specific conductance, zinc, iron, copper, chemical oxygen demand ("COD") and pH. Effluent samples also contained several other contaminants, including: toluene, lead, arsenic, chloroform, benzene and naphthalene, amongst other pollutants.

The CPC Facility Owners and/or Operators have not properly developed and/or implemented the required best management practices ("BMPs") to address pollutant sources, to prevent the exposure of pollutants to the Receiving Waters. CPC Facility Owners' and/or Operators' failure to adequately develop and/or implement required BMPs has also caused the

EPA to delegate its authority to states to implement and administer the CWA. 33 U.S.C. § 1342(b). Pursuant to this provision, California has authority to regulate discharges of pollutants by, among other actions, issuing NPDES permits to dischargers. The State Water Resources Control Board and the nine Regional Water Quality Control Boards, including the Regional Water Quality Control Board, Central Valley Region ("Regional Board") are the California agencies bearing responsibility for issuing NPDES permits.

The Regional Board issues permits for discharges of both "storm water" and "process wastewater." Federal regulations define storm water as "storm water runoff, snow melt runoff, and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13). In contrast, process wastewater is "any water which, during manufacturing or processing, comes into direct contact with or results from the use of any raw material, intermediate product, finished product, byproduct or waste product." 40 C.F.R. § 122.2. Storm water can become process wastewater if it comes into direct contact with the materials, finished product byproduct, or waste product of a manufacturing process. *Id.* Permits issued for storm water or process wastewater discharges must meet all requirements of sections 402 and 301 of the CWA.

Once regulated by an NPDES permit, discharges must strictly comply with all of the terms and conditions of that permit. Violators are subject to enforcement actions initiated by EPA, states, and citizens. 33 U.S.C. §§ 1319, 1365(a). Section 505 of the CWA authorizes citizens to bring suit against any person, including a corporation, who is alleged to be in violation of an effluent standard or limitation under the CWA. 33 U.S.C. § 1365(a). Effluent limitation is defined broadly to include "a permit or condition thereof issued under [section 402] of this title," and "any unlawful act under subsection (a) of [section 301] of this title." 33 U.S.C. § 1365(f). *See also Headwaters, Inc. v. Talent Irrigation District*, 243 F.3d 526 (9th Cir. 2001) (holding that citizens may bring suit against a party discharging pollutants into waters of the United States without a permit). Section 309 of the CWA, 33 U.S.C. § 1319(d), adjusted by 40 C.F.R. § 19.4, provides for civil penalties of up to $37,500 per day per violation.

III. Violations of the Clean Water Act, Individual NPDES Permit, and the Storm Water Permit

As explained above, the discharge of any pollutant to a water of the United States is prohibited unless it is in compliance with NPDES permits. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 126(c)(1); Storm Water Permit, Fact Sheet p. I. In California, any person who discharges storm water and non-storm water associated with industrial activity must comply with the terms of the general Storm Water Permit in order to lawfully discharge pollutants. 33 U.S.C. §§ 1311 (a), 1342; 40 C.F.R. § 122.26(c)(1); Storm Water Permit, Fact Sheet p. I, VII. A failure to comply with or obtain coverage under an NPDES Permit is a violation of the Clean Water Act. Individual NPDES Permit, Attachment D, Section I(A)(1); Storm Water Permit, Section C(1), and Fact Sheet p. I.; 33 U.S.C. §§ 1311 (a), 1342; 40 C.F.R. § 126(c)(1). Each time the CPC Facility Owners and/or Operators discharge polluted wastewater, storm water and non-storm water in violation of Discharge Prohibitions of the Individual Permit is a separate and distinct violation Individual Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a).

1. Violations of the Individual NPDES Permit Discharge Prohibitions

The CPC Facility has violated the Discharge Prohibitions set forth in the CPC Facility's Individual NPDES Permit from at least July 1, 2009 to the present. Through the Findings, Discharge Prohibition A limits the CPC Facility's discharges to a maximum of 0.36 mgd of process wastewater from and through Discharge Point 001. Individual NPDES Permit, pp. 1, 9, 10. "The discharge of wastewater from at a location or in a manner different from that described in the Findings is prohibited." Individual NPDES Permit, p. 9. With flow exceedances and discharges in excess of effluent limitations, the CPC Facility is violating Discharge Prohibition A. Discharge Prohibition B bars by-pass or overflow to surface waters except as allowed by narrow Federal Standard Provisions. Discharge Prohibition C prohibits discharge or treatment that creates a nuisance as defined under the California Water Code. Under Discharge Prohibition E, "[d]ischarge of waste that causes violation of any narrative water quality objective contained in the Basin Plan is prohibited. *Id.* Discharge Prohibition F prohibits the discharge of waste that causes violation of any of any numeric water quality objective standards contained in the Basin Plan. *Id.* Discharge Prohibition H bars causing pollution as defined by Section 13050 of the Water Code. *Id.* Discharge Prohibition I bars storm water discharges at locations or in manners different from described in the Findings of the Individual Permit. Discharge Prohibition J prohibits discharge of leachate from wood fuel stockpiles or ash stockpiles to surface waters, surface water drainage courses, or groundwater. Discharge Prohibition K bars discharge of hazardous or toxic substances, including water treatment chemicals, solvents, or petroleum products to surface waters or groundwater *Id.* Finally, Discharge Prohibition L prohibits the discharge of ash, bark, wood, debris, or any other wastes recognized as originating from the facility to surface waters or drainage courses. *Id.*

i. Violations of Discharge Prohibition B

Discharge Prohibition B of the Individual NPDES Permit prohibits by-bass or overflow of wastes to surface waters except as allowed by Federal Standard Provisions I.G. and I.H. (*See* attachment D, Individual Permit). Overflow discharges and by-pass discharges, e.g., the Gravel Pit, in excess of effluent limitations to the Receiving Waters violates the Individual NPDES Permit and Discharge Prohibition B.

ii. Violations of Discharge Violation C

Discharge Prohibition C prohibits discharge or treatment that creates a nuisance as broadly defined under section 13050 the California Water Code. As defined in Section 13050 of the California Water Code, nuisance is "anything that meets all of the following criteria: 1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, a though the extent of annoyance or damage inflicted upon individuals may be unequal; and 3) occurs during, or as a result of, the treatment or disposal of wastes." Cal. Water Code § 13050 (m). Pollution of water constitutes a public nuisance. Water pollution occurring as a result of

The CPC Facility's pollution is injurious to the health of the people who use, or would use, Lake Almanor, the North Fork Feather River, and their tributaries, for aesthetic or spiritual purposes, wildlife viewing, wading or swimming or other aquatic recreational activities. The CPC Facility's contaminated discharges are also injurious to animal and aquatic life. Consequently, The CPC Facility's discharges of pollution violate Discharge Prohibition H.

vi. Violations of Discharge Prohibition I

Information available to CHW and GCM indicate that the CPC Facility discharges storm water to locations and in manners disallowed in the Findings of the Individual Permit in violation of Discharge Prohibition I. These violations are ongoing and will continue as long as the CPC Facility continues to allow storm water to escape the CPC Facility in violation of the Findings and Discharge Prohibition I of the Individual Permit.

vii. Violations of Discharge Prohibition J

Information available to CHW and GCM indicate that the Receiving Waters are exposed to pollutants directly to the surface waters or to groundwater in violation of Discharge Prohibition J. Storm water and non-storm water carrying wood and ash waste, among other pollutants, are discharged directly to the surface waters and groundwater. Further, direct surface water discharges from the CPC Facility occur each time pollutants or wastes recognized as originating from the facility are deposited directly into the Receiving Waters from operations and uncovered bulk storage areas which contain leachate from wood fuel stockpiles or ash stockpiles, among other items. These violations are ongoing and will continue as long as the CPC Facility continues to store wood and ash stockpiles and other items in uncovered areas. Thus the discharge of storm water, non-storm water, containing these substances, is a violation of Individual NPDES Permit Discharge Prohibition J.

viii. Violations of Discharge Prohibition K

Information available to CHW and GCM indicate that the Receiving Waters are exposed to pollutants directly to the surface waters in violation of Discharge Prohibition K. Storm water and non-storm water carrying oil, grease, petroleum and other vehicular and machinery fluids, are discharged directly to the surface waters. Further, direct surface water discharges from the CPC Facility occur each time fugitive dust and any other pollutants or wastes recognized as originating from the facility are deposited directly into the Receiving Waters from vehicles and machinery containing, among other items, oil and grease, petroleum products, and other fugitive automotive and mechanical debris, and from uncovered bulk storage areas such as ash piles, tire piles, wood fuel stockpiles. These violations are ongoing and will continue as long as the CPC Facility continues to operate and store vehicles, machinery, and bulk materials in unenclosed environments. Thus the discharge of storm water, non-storm water, and fugitive dust and particles containing these substances, is a violation of Individual NPDES Permit Discharge Prohibition K.

has violated the Individual Permit's Effluent Limitations since at least July 1, 2009. These violations are ongoing and the CHW and GCM will include additional violations as information becomes available.

3. Receiving Water Limitations Violations of the Individual NPDES Permit

The CPC Facility's Individual NPDES Permit contains several limitations related to the Receiving Waters. Pursuant to Receiving Water Limitation A(1), A(2) and A3 respectively, the Facility's discharges shall not cause water to contain biostimulatory substances which promote aquatic growths in concentrations that cause nuisance or adversely affects beneficial uses, chemical constituents to be present in concentrations that adversely effects beneficial uses, and discoloration that causes nuisance or adversely affects beneficial uses. Individual NPDES Permit, p. 12. Receiving Water Limitation A(4), the Facility's waste discharge shall not cause: 1) "The monthly median of the mean daily dissolved oxygen concentration to fall below 85 percent of the saturation in the main water mass: 2) The 95 percentile dissolved oxygen concentration to fall below 75 percent of the saturation; or 3) The dissolved oxygen concentration to be reduced below 7.0 mg/L at any time. *Id.* Receiving Water Limitation A(7) prohibits the Facility's waste discharge from causing "The pH to be depressed below 6.5, raised above 8.5, not changed by more than .05 units," allowing a one-month average to be applied in calculations to determine a pH change of .05 units. *Id.* Receiving Water Limitation A(14) limits temperature increases to 5 degrees. Individual NPDES Permit, p. 13. Further, under Receiving Water Limitation A(15), the Facility's waste discharge shall not allow "Toxic substances to be present, individually or in combination, in concentrations that produce detrimental physiological responses in human, plant, animal, aquatic life." *Id.* Last, Receiving Water Limitation A(16) specifically requires increases to Nephelometric Turbidity Units ("NTU") to be limited to 1 NTU where natural turbidity is between 0 and 5; 20 percent where natural turbidity is between 5 an d 50 NTUs; 10 NTU where natural turbidity is between 5 and 50 NTUs; and, 10 percent where natural turbidity is greater than 100 NTUs.

The CPC Facility's polluted wastewater, storm water, and non-storm water discharges have violated Receiving Water Limitations set forth in the Facility's individual NPDES Permit from at least July 1, 2009 with every significant rainfall event[10] and with wastewater and other discharges causing effluent levels unsafe for human, animal, and other aquatic life. *See* **Attachment C,** Table 1, Effluent Limitations.

[10] A significant rain event is an event that produces storm water runoff, which according to the United States Environmental Protection Agency occurs with 0.1 inches or more of precipitation. *See* United States Environmental Protection Agency, NPDES Storm Water Sampling Guidance Document, July 1992. Days with precipitation 0.1 inches or greater at the CPC Facility are reported by NOAA's National Climatic Data Center at the Richmond station, http://www7.ncdc.noaa.gov/IPS/coop/coop.html.

constitutes a violation of Receiving Water Limitations of the CPC Facility's Individual NPDES Permit and the CWA.

As demonstrated by CPC Facility's self-reported violations and repeat Notices of Violation, there are, and historically have been, inadequate treatment or source control BMPs for copper, iron, lead or other metals at the CPC Facility. Therefore, wastewater discharges containing equivalent concentrations of metals as reported in CPC Facility's wastewater and Regional Board's water samples from the CPC Facility's Discharge Point 001 testing locations have occurred and are continuing to occur since at least July 1, 2009.

CPC Facility has discharged and continues to discharge process wastewater, storm water, and non-storm water in violation of Receiving Water Limitations of the CPC Facility's from at least July 1, 2009. Each discharge in violation of Receiving Water Limitations adversely impacts human health or the environment and constitutes a separate and distinct violation of CPC Facility's Individual NPDES Permit and the CWA. These violations are ongoing, and CHW and GCM will include additional violations as information becomes available.

B. Violations of the Storm Water Permit and the Clean Water Act

With certain limited exceptions, any person who discharges storm water associated with industrial activity in California must comply with the terms of the Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(l); Storm Water Permit, Fact Sheet p. VII. Storm water discharges from The CPC Facility constitute discharges of storm water associated with industrial activity because the operation of the CPC Facility's approximately 100-acre site is an industrial activity classified under SIC Codes as described above, and the industrial activities at the CPC Facility fall within the specified industrial categories in 40 C.F.R. § 122.2 (Federal Register, Volume 55 on Pages 48065-66) and in Attachment 1 of the Storm Water Permit. The Storm Water permit regulates storm water discharges from the CPC Facility associated with industrial activity that are not regulated by the CPC Facility's Individual NPDES Permit, including the discharge of storm water containing high levels of zinc, iron, and other constituents. [Although required to test for copper under the 2008 Multi-Sector General Permit establishing US EPA benchmarks for storm water discharges from SIC Code 2421, the CPC Facility has continuously failed to test for one of the known pollutants, copper, generated from its operations from 2009.] Thus, the CPC Facility must also comply with the applicable terms of the Storm Water Permit in order to lawfully discharge pollutants in its storm water discharges into the Receiving Waters. *See* CWA 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 126(c)(1); Storm Water Permit, Fact Sheet p. I, VII. A failure by the CPC Facility to comply with the Storm Water Permit is a violation of the Clean Water Act. Storm Water Permit, Section C(l), Fact Sheet p. I.; 33 U.S.C. §§ 1311 (a), 1342; 40 C.F.R. § 126(c)(l).

enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and (3) occurs during, or as a result of, the treatment or disposal of wastes. Cal. Water Code § 13050(m).

Storm water sampling at the CPC Facility demonstrates that storm water discharges contain concentrations of pollutants that cause or threaten to cause pollution, contamination, or nuisance in violation of Discharge Prohibition A(2). For example, the CPC Facility's discharge violations of the Storm Water Permit threaten to cause pollution, contamination, or nuisance by discharging polluted storm water containing elevated concentrations of pollutants, including, but not limited to, zinc, iron, copper, COD, pH, and TSS in violation of Discharge Prohibition A(2). *See*, Storm Water Exceedances, Table 2, **Attachment D**. These discharges are injurious to health of the surrounding community, including CHW and GCM members, that use and enjoy Lake Almanor, the North Fork Feather River, and their tributaries, as many of these pollutants are known to cause cancer, birth defects, developmental, or reproductive harm, and can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters.

Information available to CHW and GCM indicates that the storm water discharges from the CPC Facility violate Discharge Prohibition A(2) of the Storm Water Permit during and/or following every significant rain event.[11] The CPC Facility's discharge violations of the Storm Water Permit are identified in Table 2, Storm Water Exceedances, **Attachment D**. Each time the CPC Facility discharges polluted storm water in violation of Discharge Prohibition A(2) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). These violations are ongoing and will continue each time the CPC Facility discharges polluted storm water to the Receiving Waters. GCM and CHW will include additional violations when information becomes available. The CPC Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since July 1, 2009.

3. Discharges of Polluted Storm Water from the CPC Facility in Violation of Effluent Limitation B(1) of the Storm Water Permit

Effluent Limitation (B)(1) requires that storm water discharges from facilities subject to storm water effluent limitations guidelines in Federal regulations (40 C.F.R. Subchapter N) shall not exceed the specified effluent limitations. As the CPC Facility is classified under the SIC Code(s) described above, and as information available to CHW and GCM indicates that industrial activities at the CPC Facility includes cogeneration electricity production, and sawmill activities, storm water discharges from the CPC Facility are required to comply with federal

[11] A significant rain event is an event that produces storm water runoff, which according to the United States Environmental Protection Agency occurs with 0.1 inches or more of precipitation. *See* United States Environmental Protection Agency, NPDES Storm Water Sampling Guidance Document, July 1992. Days with precipitation 0.1 inches or greater at the CPC Facility are reported by NOAA's National Climatic Data Center at the Susanville station, http://www.ncdc.noaa.gov

Storm water discharges from the CPC Facility have violated, and continue to violate Effluent Limitation B(3) of the Storm Water Permit during each significant rain event. Every day storm water is discharged from the CPC Facility in violation of Effluent Limitation (B)(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and the CWA. These discharge violations are ongoing and the CHW and GCM will update the number and dates of violation as additional information and data becomes available.

5. Discharges of Contaminated Storm Water from the CPC Facility in Violation of Receiving Water Limitations C(l) and C(2) of the Storm Water Permit, and the Clean Water Act

Receiving Water Limitation C(l) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water or groundwater that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable WQS.[15] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.[16]

Available data demonstrates the storm water discharges from the CPC Facility contain elevated concentrations of pollutants such as iron, copper, and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. Storm water sampling at the CPC Facility also demonstrates that discharges contain concentrations of pollutants that cause or contribute to a violation of an applicable WQS.

As described in detail above, and in the attached and incorporated Tables, storm water sampling data collected by CPC and reported in its Annual Reports, document discharges from the CPC Facility with concentrations of metals and other contaminants at levels that cause or contribute to exceedances of applicable WQS.

Information available to CHW and GCM indicates that discharges of polluted storm water from the CPC Facility to Receiving Waters cause or contribute to a violation of Basin Plan WQS for sediments. For example, in violation of the Basin Plan WQS for human health, storm water discharging from the CPC Facility contains, or likely contains in significant amounts, pollutants that bioaccumulate in aquatic life at levels harmful to human health, including metals.

[15] Water Quality Standards include pollutant concentration levels determined by the State Water Resources Control Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above Water Quality Standards contribute to the impairment of the receiving waters' Beneficial Uses. Applicable Water Quality Standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR").

[16] WQS for certain pollutants, including copper and zinc, are hardness dependent. *See* 40 C.F.R. § 131.38.

In violation of Sections A(5) and A(6) of the Storm Water Permit, the current SWPPP fails to include an adequate: (1) list of significant materials handled and stored at the site; (2) description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; (3) description of significant spills and leaks; (4) list of all non-storm water discharges and their sources; and (5) description of locations where soil erosion may occur. For example, the SWPPP fails to list any metals or metal-containing materials, including but not limited to biomass, treated wood, construction and demolition debris and other undisclosed prohibited materials. The SWPPP fails to provide an adequate description of potential pollutant sources for pollutants such as iron, lead, nickel, cadmium, arsenic and copper. The SWPPP provides inadequate descriptions of non-storm water discharges resulting from air deposition of fugitive dust from biomass fuel inputs, fly ash, and uncovered bulk material and other storage.

In violation of Sections A(7) through A(9) and Provision E(2) of the Storm Water Permit, CPC Facility Owners and/or Operators have failed and continue to fail to revise, evaluate, assess, or modify the SWPPP as necessary to develop and implement adequate BMPs, and to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water and adequate BMPs to prevent the subsequent discharge of polluted storm water from the CPC Facility. For example, CHW and GCM's review of Regional Board documents indicates that CPC Facility Owners and/or Operators most recent SWPPP submitted to the Regional Board is dated July 2014. However, since 2006, polluted storm water has discharged from the CPC Facility on dozens of occasions evidencing the inadequacy of existing BMPs at the CPC Facility. *See*, Storm Water Exceedances, Table 2, **Attachment D**. CPC Facility Owners' and/or Operators' site inspections have also put CPC Facility Owners and/or Operators on notice that existing BMPs established under the SWPPP have failed to prevent storm water exposure to pollutants.

Every day the CPC Facility Owners and/or Operators operate the CPC Facility with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The CPC Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least July 1, 2009. These violations are ongoing, and CHW and GCM will include additional violations when information becomes available. The CPC Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since July 1, 2009.

C. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Information available to CHW and GCM indicates that the Owners/Operators of the CPC Facility have failed to implement and/or revise their Monitoring and Reporting Program

required by the Individual NPDES Permit. Specifically, the CPC Facility has failed to implement a TRE for acute and chronic toxicity monitoring. CHW and GCM's review of Regional Board documents indicates that the most recent M&RP for the CPC Facility is from the Individual NPDES Permit issued in 2009, a permit that was set to expire on February 1, 2014, but remains in effect. The record of repeat violations and exceedances show the CPC Facility's inability to adapt and change discharge and treatment procedures in order to comply with the Individual NPDES permit. Thus, the CPC Facility Owners and/or Operators have been and continue to be in violation of the Individual NPDES Permit for failing to adequately develop, implement and revise the M&RP.

The CPC Facility Owners' and/or Operators' failure to conduct adequate sampling, monitoring, and reporting as required by the Individual NPDES Permit demonstrates that they have failed to develop, implement and/or revise an M&RP that complies with the requirements Attachment E and Attachment F(IV) of the Individual Permit. Every day that the CPC Facility Owners and/or Operators conduct operations in violation of the specific monitoring and reporting requirements of the Individual Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Individual Permit and the Clean Water Act. The CPC Facility Owners and/or Operators have been in daily and continuous violation of the Individual Permit's M&RP requirements every day since at least July 1, 2009. These violations are ongoing, and CHW and GCM will include additional violations when information becomes available. The CPC Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since July 1, 2009.

ii. Storm Water Permit

Section B(1) of the Storm Water Permit require facility operators to develop and implement an adequate M&RP by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and are evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *Id.* Dischargers must also revise the M&RP to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4).

Sections B(3) through B(16) of the Storm Water Permit set forth the M&RP requirements. Sections B(5), B(6), and B(7) of the Storm Water Permit require dischargers to visually observe and collect samples of storm water discharges from all locations where storm water is discharged that represent the quality and quantity of the storm water discharges. The CPC Facility Owners and/or Operators are required to collect samples from each discharge location at the CPC Facility during the first hour of discharge from the first storm event of the wet season, and from all discharge locations during at least one other storm event in the same wet season. *See id.* Storm water samples shall be analyzed for TSS, pH, specific conductance,

comprehensive site compliance evaluation report, an explanation of why a permittee did not perform any activities required, and other information specified in Section B(13).

Since at least July 2009 the CPC Facility Owners and/or Operators have failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements, including filing incomplete Annual Reports that do not provide the required information. For example, the Annual Reports for the 2010-2011 Wet Seasons indicated that the CPC Facility did not have a testing eligible discharge, and accordingly performed no testing. Other annual reports indicate deficiencies such as: (1) incomplete Annual Comprehensive Site Compliance Evaluations pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs failure to address existing potential pollutant sources; (3) failure to sample all storm water discharge points as required; (4) incorrect reporting that no non-storm water discharges occurred; and (5) the failure to ensure that the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. Information available to CHW and GCM, including a review of the Regional Board's files and the CPC Facility storm water sampling data, indicates that the CPC Facility Owners' and/or Operators' certification is in error. The CPC Facility Owners and/or Operators have not developed and/or implemented required BMPs or an adequate SWPPP that addresses pollutants and pollutant sources. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations, and prohibited non-storm water.

Finally, the Storm Water Permit requires a permittee whose discharge exceeds receiving WQS to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to CHW and GCM indicates that the CPC Facility Owners and/or Operators have failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the Storm Water Permit. As such, the CPC Facility Owners and/or Operators are in daily violation of this requirement of the Storm Water Permit.

Each of the failures to report as required discussed above is a violation of the Storm Water Permit, and indicates a continuous and ongoing failure to comply with the Storm Water Permit's reporting requirements. Every day the CPC Facility Owners and/or Operators operate the CPC Facility without reporting as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The CPC Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least July 1, 2009. CHW and GCM will include additional violations when information becomes available. The CPC Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since July 1, 2009.

IV. Relief and Penalties Sought for Violations of the Clean Water Act

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. §19.4, each separate violation of

ATA
AQUA TERRA AIRES
LAW GROUP

SERVICE LIST

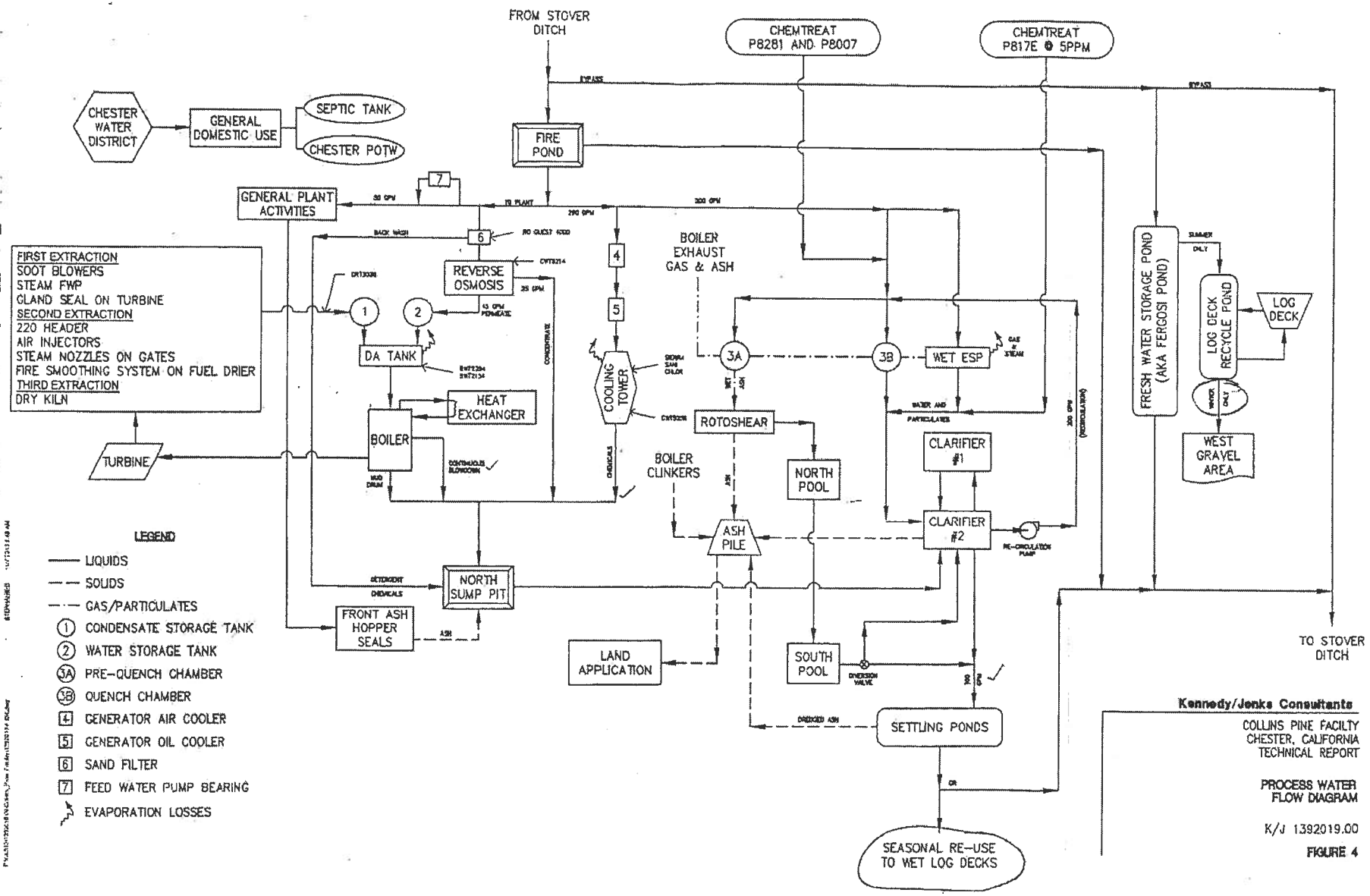
VIA U.S. CERTIFIED MAIL

Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Jared Blumenfeld
Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Thomas Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

Pamela Creedon
Executive Officer
Regional Water Quality Control Board,
Central Valley Region, Redding Office
364 Knollcrest Drive, Suite 205
Redding, California 96002



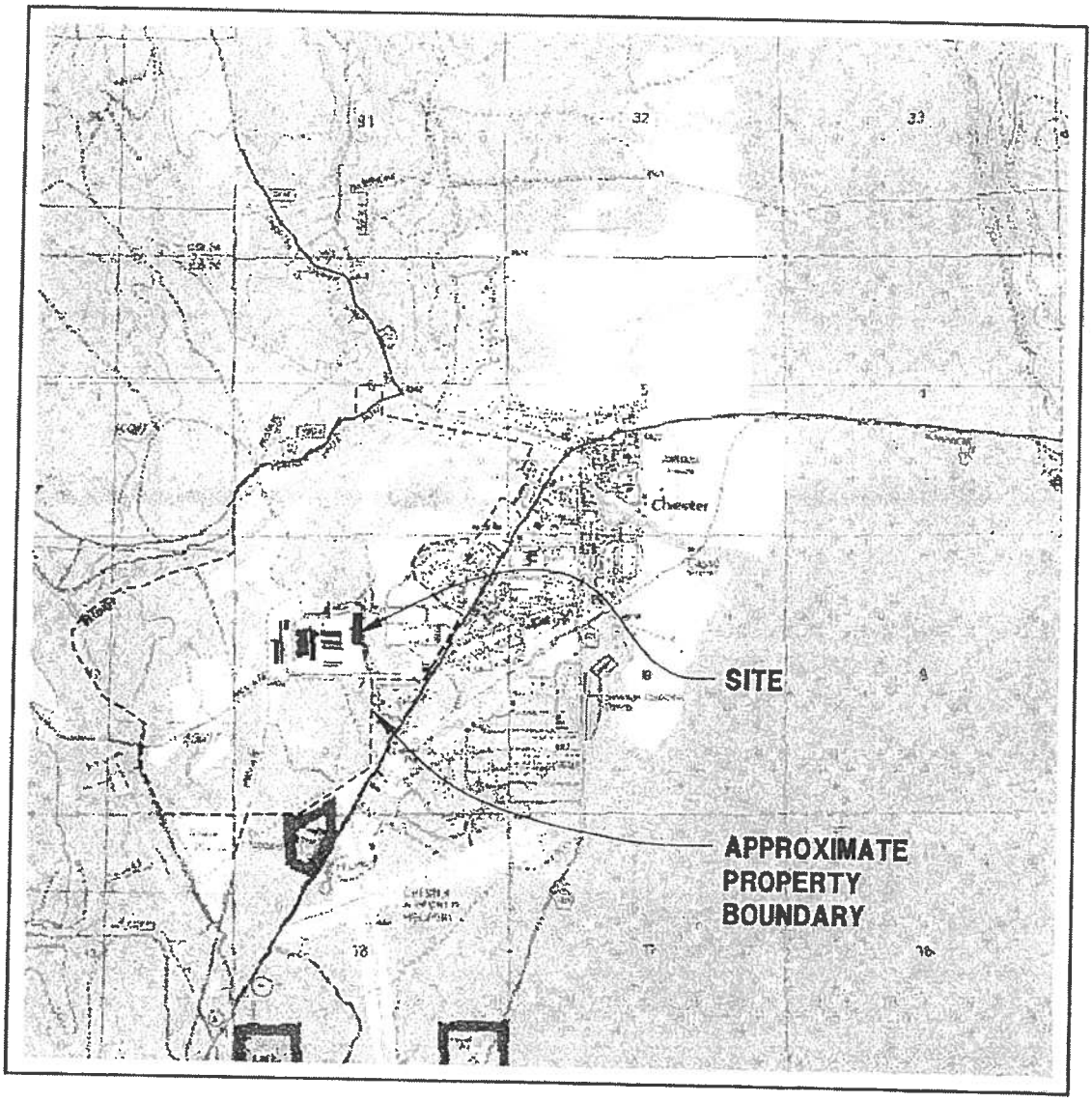
Kennedy/Jenks Consultants

COLLINS PINE FACILTY
CHESTER, CALIFORNIA
TECHNICAL REPORT

PROCESS WATER
FLOW DIAGRAM

K/J 1392019.00

FIGURE 4



Kennedy/Jenks Consultants

COLLINS PINE FACILITY
CHESTER, CALIFORNIA
STORM WATER POLLUTION PREVENTION PLAN

SITE LOCATION MAP

K/J 0592006.01

FIGURE 1

Attachment C

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
EFF-001	Copper, Total Recoverable	16.6	ug/L	14.92 ug/L				5/11/2010
EFF-001	Copper, Total Recoverable	18.1	ug/L	14.92 ug/L				5/18/2010
EFF-001	Copper, Total Recoverable	17.3	ug/L			7.44 ug/L		May 2010
EFF-001	Copper, Total Recoverable	8.2	ug/L			7.44 ug/L		October 2010
EFF-001	Copper, Total Recoverable	10.4	ug/L			7.44 ug/L		November 2010
EFF-001	Copper, Total Recoverable	17.4	ug/L	14.92 ug/L				12/7/2010
EFF-001	Copper, Total Recoverable	20.8	ug/L	14.92 ug/L				12/21/2010
EFF-001	Copper, Total Recoverable	15.4	ug/L			7.44 ug/L		December 2010
EFF-001	Copper, Total Recoverable	10.7	ug/L			7.44 ug/L		March 2012
EFF-001	Copper, Total Recoverable	9.1	ug/L			7.44 ug/L		May 2012
EFF-001	Copper, Total Recoverable	8.7	ug/L			7.44 ug/L		November 2012
EFF-001	Copper, Total Recoverable	8.35	ug/L			7.44 ug/L		December 2012
EFF-001	Copper, Total Recoverable	14.8	ug/L			7.44 ug/L		January 2013
EFF-001	Copper, Total Recoverable	7.7	ug/L			7.44 ug/L		March 2013
EFF-001	Copper, Total Recoverable	9.3	ug/L			7.44 ug/L		April 2013
EFF-001	Copper, Total Recoverable	9.8	ug/L			7.44 ug/L		November 2013
EFF-001	Copper, Total Recoverable	8.6	ug/L			7.44 ug/L		December 2013
EFF-001	Copper, Total Recoverable	9.85	ug/L			7.44 ug/L		January 2014
EFF-001	Copper, Total Recoverable	26	ug/L	14.92 ug/L				3/4/2014
EFF-001	Copper, Total Recoverable	16	ug/L			7.44 ug/L		March 2014
EFF-001	Copper, Total Recoverable	8.6	ug/L			7.44 ug/L		December 2014
RSW-002	Dissolved Oxygen	8.9	mg/L				7.2 mg/L	6/3/2014
RSW-001	Dissolved Oxygen	8.7	mg/L				7.2 mg/L	6/3/2014
RSW-001	Dissolved Oxygen	8.5	mg/L				7.2 mg/L	6/10/2014
RSW-002	Dissolved Oxygen	8.4	mg/L				7.2 mg/L	6/10/2014
RSW-001	Dissolved Oxygen	8.9	mg/L				7.2 mg/L	6/19/2014
RSW-002	Dissolved Oxygen	8.9	mg/L				7.2 mg/L	6/19/2014
RSW-001	Dissolved Oxygen	8.5	mg/L				7.2 mg/L	6/24/2014
RSW-002	Dissolved Oxygen	8.3	mg/L				7.2 mg/L	6/24/2014
RSW-001	Dissolved Oxygen	8	mg/L				7.2 mg/L	7/1/2014
RSW-002	Dissolved Oxygen	8	mg/L				7.2 mg/L	7/1/2014
RSW-001	Dissolved Oxygen	7.9	mg/L				7.2 mg/L	7/8/2014

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
EFF-001	Flow	0.42624	MGD	.36 mgd				5/1/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/2/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/3/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/4/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/5/2010
EFF-001	Flow	0.39744	MGD	.36 mgd				5/6/2010
EFF-001	Flow	0.39744	MGD	.36 mgd				5/7/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/8/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/9/2010
EFF-001	Flow	0.40032	MGD	.36 mgd				5/10/2010
EFF-001	Flow	0.40032	MGD	.36 mgd				5/11/2010
EFF-001	Flow	0.40032	MGD	.36 mgd				5/12/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/13/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/14/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/15/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/16/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/17/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/18/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/19/2010
EFF-001	Flow	0.40032	MGD	.36 mgd				5/20/2010
EFF-001	Flow	0.56448	MGD	.36 mgd				5/21/2010
EFF-001	Flow	0.396	MGD	.36 mgd				5/23/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/24/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/25/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/26/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/27/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/28/2010
EFF-001	Flow	0.56592	MGD	.36 mgd				5/29/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/30/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				5/31/2010
EFF-001	Flow	0.42624	MGD	.36 mgd				6/2/2010
								6/3/2010

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
EFF-001	Flow	0.40176	MGD	.36 mgd				3/14/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				3/15/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				3/16/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				3/17/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				3/18/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				3/19/2011
EFF-001	Flow	0.40896	MGD	.36 mgd				4/6/2011
EFF-001	Flow	0.45216	MGD	.36 mgd				4/7/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				4/11/2011
EFF-001	Flow	0.40032	MGD	.36 mgd				4/16/2011
EFF-001	Flow	0.38016	MGD	.36 mgd				4/17/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				4/21/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				5/10/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				5/17/2011
EFF-001	Flow	0.396	MGD	.36 mgd				6/6/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				6/20/2011
EFF-001	Flow	0.40032	MGD	.36 mgd				8/31/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				9/1/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				9/2/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				10/25/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				10/27/2011
EFF-001	Flow	0.37584	MGD	.36 mgd				10/28/2011
EFF-001	Flow	0.38592	MGD	.36 mgd				10/29/2011
EFF-001	Flow	0.38592	MGD	.36 mgd				10/30/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				10/31/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/3/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/7/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/8/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/11/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/12/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/13/2011
EFF-001	Flow	0.42624	MGD	.36 mgd				11/14/2011

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
EFF-001	Flow	0.40032	MGD	.36 mgd				2/15/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				2/16/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				2/17/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				2/18/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				3/18/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				3/19/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				3/20/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				3/21/2012
EFF-001	Flow	0.396	MGD	.36 mgd				4/28/2012
EFF-001	Flow	0.56592	MGD	.36 mgd				5/1/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				5/2/2012
EFF-001	Flow	0.37584	MGD	.36 mgd				5/7/2012
EFF-001	Flow	0.75744	MGD	.36 mgd				11/30/2012
EFF-001	Flow	0.75744	MGD	.36 mgd				12/2/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				12/3/2012
EFF-001	Flow	0.36144	MGD	.36 mgd				12/4/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				12/5/2012
EFF-001	Flow	0.40032	MGD	.36 mgd				12/6/2012
EFF-001	Flow	0.792	MGD	.36 mgd				12/9/2012
EFF-001	Flow	0.42624	MGD	.36 mgd				1/24/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				2/26/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/5/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/25/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/26/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/27/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/28/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/29/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/30/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				3/31/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				4/2/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				4/3/2013
EFF-001	Flow	0.42624	MGD	.36 mgd				4/4/2013

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
RSW-002	Receiving Water Temperature	△T = 6.7	°F		△T < 5			3/5/2013
RSW-002	Receiving Water Temperature	△T = 6.8	°F		△T < 5			3/21/2013
RSW-002	Receiving Water Temperature	△T = 6.9	°F		△T < 5			8/27/2013
RSW-002	Receiving Water Temperature	△T = 5.4	°F		△T < 5			1/14/2014
RSW-002	Receiving Water Temperature	△T = 6	°F		△T < 5			3/18/2014
EFF-001	Turbidity	△Turb = 2.3	NTU		△Turb < 1			1/26/2010
EFF-001	Turbidity	△Turb = 1.3	NTU		△Turb < 1			4/27/2010
EFF-001	Turbidity	△Turb = 1.0	NTU		△Turb < 1			5/4/2010
EFF-001	Turbidity	△Turb = 1.0	NTU		△Turb < 1			5/11/2010
EFF-001	Turbidity	△Turb = 1.7	NTU		△Turb < 1			5/18/2010
EFF-001	Turbidity	△Turb = 1.6	NTU		△Turb < 1			5/25/2010
RSW-002	Turbidity	△Turb = 4.6	NTU		△Turb < 1			1/3/2013
RSW-002	Turbidity	△Turb = 2.5	NTU		△Turb < 1			1/29/2013
RSW-002	Turbidity	△Turb = 3.2	NTU		△Turb < 1			2/26/2013
RSW-002	Turbidity	△Turb = 1.8	NTU		△Turb < 1			3/5/2013
RSW-002	Turbidity	△Turb = 3.6	NTU		△Turb < 1			3/21/2013
RSW-002	Turbidity	△Turb = 2.6	NTU		△Turb < 1			4/2/2013
RSW-002	Turbidity	△Turb = 2.4	NTU		△Turb < 1			4/18/2013
RSW-002	Turbidity	△Turb = 2.7	NTU		△Turb < 1			11/5/2013
RSW-002	Turbidity	△Turb = 1.3	NTU		△Turb < 1			11/21/2013
RSW-002	Turbidity	△Turb = 1.81	NTU		△Turb < 1			11/26/2013
RSW-002	Turbidity	△Turb = 1.3	NTU		△Turb < 1			12/3/2013
RSW-002	Turbidity	△Turb = 1.6	NTU		△Turb < 1			12/17/2013
RSW-002	Turbidity	△Turb = 2.7	NTU		△Turb < 1			12/31/2013
RSW-002	Turbidity	△Turb = 2.6	NTU		△Turb < 1			1/7/2014
RSW-002	Turbidity	△Turb = 3.3	NTU		△Turb < 1			1/14/2014
RSW-002	Turbidity	△Turb = 1.5	NTU		△Turb < 1			1/28/2014
RSW-002	Turbidity	△Turb = 1.7	NTU		△Turb < 1			2/11/2014
RSW-002	Turbidity	△Turb = 2.9	NTU		△Turb < 1			3/11/2014
RSW-003	pH	9.16	SU	6.0-9.0				5/4/2010
RSW-003	pH	8.97	SU				6.5-8.5	5/11/2010
RSW-003	pH	9.23	SU	6.0-9.0				5/18/2010

TABLE 1 - VIOLATIONS OF EFFLUENT LIMITATIONS

Location	Parameter	Result	Units	Daily/Instant Effluent Limit	Weekly Max Effluent Limit	Monthly Max Effluent Limit	Receiving Water Limit	Date
EFF-001	pH	9.4	SU	6.0-9.0				1/30/2013
EFF-001	pH	9.3	SU	6.0-9.0				1/31/2013
EFF-001	pH	9.4	SU	6.0-9.0				2/1/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/2/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/3/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/4/2013
EFF-001	pH	9.23	SU	6.0-9.0				2/5/2013
RSW-004	pH	9.2	SU	6.0-9.0				2/5/2013
RSW-002	pH	8.84	SU				6.5-8.5	2/5/2013
RSW-001	pH	8.79	SU				6.5-8.5	2/5/2013
EFF-001	pH	8.77	SU				6.5-8.5	2/5/2013
EFF-001	pH	9.2	SU	6.0-9.0				2/7/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/8/2013
EFF-001	pH	9.5	SU	6.0-9.0				2/9/2013
EFF-001	pH	9.6	SU	6.0-9.0				2/10/2013
EFF-001	pH	9.6	SU	6.0-9.0				2/11/2013
EFF-001	pH	9.51	SU	6.0-9.0				2/12/2013
RSW-001	pH	9.5	SU	6.0-9.0				2/12/2013
RSW-002	pH	8.7	SU				6.5-8.5	2/12/2013
RSW-004	pH	8.6	SU				6.5-8.5	2/12/2013
EFF-001	pH	8.59	SU				6.5-8.5	2/12/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/13/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/14/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/15/2013
EFF-001	pH	9.1	SU	6.0-9.0				2/16/2013
EFF-001	pH	9.14	SU	6.0-9.0				2/19/2013
EFF-001	pH	9.1	SU	6.0-9.0				2/23/2013
EFF-001	pH	9.3	SU	6.0-9.0				2/24/2013
EFF-001	pH	9.2	SU	6.0-9.0				2/25/2013
RSW-004	pH	9.54	SU	6.0-9.0				2/26/2013
EFF-001	pH	9.44	SU	6.0-9.0				2/26/2013
		9.3	SU	6.0-9.0				2/26/2013

Attachment D